

# Menominee Nation News



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## Chief Justice Martin Sworn in



Menominee Chairman Apesanahkwat administers the oath of office to Joseph Martin, recently appointed Chief Justice for the Menominee Tribe.  
M. Wilber/MNN  
Story on page 16

## Tribe aids Nashville in Mining fight

By Mike Wilber  
Menominee Nation News

The Menominee Nation donated \$2,500 to the Town of Nashville Legal Defense Fund recently.

The town is currently facing a lawsuit over a local agreement the former Nashville town board signed with Nicolet Minerals Company.

The new town board voted to rescind the local agreement that gave the company, owned by multinational giant Rio Algom Ltd. of

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## Federal Court Ruling a setback in Tribe's Fight

Special to  
Menominee Nation News

Despite a preliminary injunction issued by Federal Magistrate Judge Patricia Gorence to shut down the Mohican Nation's Pine Hills gaming operation, the Tribe will continue its quest to preserve its original boundaries.

"Obviously we are disappointed with the court's ruling and, while we

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## Council backs revenue sharing agreements

KENOSHA, Wis. (AP) — The Kenosha City Council has approved revenue-sharing provisions as part of plans for developing a tribal casino at Dairyland Greyhound Park.

The council voted 13-2 Monday for three contract agreements on how

casino revenue would be distributed to local governments if state and federal officials approve the project.

The revenue sharing under the 10-year contract would start at \$7.5 million a year and increase to \$20.5 million annually in the final years of

the contract.

The city would get 70 percent and the county government 30 percent, while the state's Gateway Technical College would get \$100,000 a year under the agreements approved by the

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## Community backs Menominee Eagles



Menominee Eagles' Scott White (61) hunts for the Wittenberg-Biramwood ball carrier Corey Krull in the Eagles Homecoming game against the Chargers. The game was held Friday evening in Keshena.  
Y. Kaquatoosh/MNN

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## CASINO:

council. The Kenosha County Board already had approved the agreements. The casino proposal was also approved by voters in a referendum. It still needs to be approved by Gov. Tommy Thompson and the federal government.

Menominee Nation Chairman Apesanahkwat has said local approval would clear the way for negotiating on the state and federal levels on behalf of the proposal.

The Menominee are being represented by the investment corporation NII-JII Entertainment L.L.C. in developing the project, called the Paradise Key Casino.

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## MINING:

Toronto, mining rights to the Crandon deposit, which sits at the headwaters of the Wolf River.

The Town of Nashville has since set up a legal defense fund, and have raised over \$15,000 since February. Chuck Sleeter, Nashville town chairman, said the fund drive has averaged \$2,500 per month, but their lawyers fees are just over \$5,000 per month, and that's a bargain.

The law firm of Garvey & Stoddard are representing the town and their fees regularly run over the \$5,000 amount, more like \$7,000 to \$8,000, Sleeter said. Anything over that monthly fee they work pro bono (work free of charge for the public good). Ed Garvey of Garvey & Stoddard was the democratic candidate for governor who ran against Tommy Thompson in the last election. Garvey took a staunch anti-mine stance in his campaign. The firm also donated \$85,000 to the defense fund from the start.

"If Nashville prevails in court," said Ken Fish, director of the Menominee Mining Impacts office, "it only helps us in protecting the Wolf River."

The Menominee Nation along with other tribes, environmental, and sport fishing groups have opposed the mining project from the start, believing the sulfide leaching process will inevitably degrade or destroy the pristine waters of the Wolf River.

In recent developments regarding the legal battle, the former Nashville town board agreed to settle the open meetings law case, in which they admitted to open meetings law violations in preparing the local agreement with NMC. Joanne Tacopina, current Nashville town clerk, said they now

hope Oneida County Judge Robert Kinney will reconsider his earlier ruling that the local agreement was legal since it was adopted at an open and legal meeting. Tacopina said that since the agreement itself was negotiated during 16 illegal meetings, it should be declared null and void.

NMC plans to mine 55 millions tons of copper, zinc, silver, and gold from the deposit. They also need federal and state permits to begin the project.

For more information contact the defense fund website at [www.nashvillewiundersiege.com](http://www.nashvillewiundersiege.com). Contributions can be made by sending to: Town of Nashville Legal Defense Fund, c/o Chuck Sleeter/Joanne Tacopina, PO Box 106, Pickerel, WI 54465

## RULING:

disagree with it, we will do what we said a year ago and abide by the decision of the court," Tribal President Robert Chicks said. "Our main concern now is our employees. We are doing everything to accommodate the existing staff by transferring them to the Northstar Casino."

Approximately half of the 40 positions at Pine Hills are gaming positions that are directly affected by the decision. However, the other non-gaming positions may also be in jeopardy, depending on the effect that the loss of gaming has on Pine Hill's overall business. The Mohican Nation has maintained its commitment to its employees and is transferring them to the Northstar Casino to continue their employment.

According to Chicks, the Pine Hills gaming facility closed at midnight on October 4, 1999, to comply with the ruling.

The issue was raised by the state when the Tribe opened the casino on its Pine Hills Golf Course in September of 1998. The golf course is located within the exterior boundaries of the reservation, which encompass the towns of Red Springs and Bartelme, as established by the 1956 treaty between the federal government and the Tribe. The state contends that those boundaries have been diminished since that time and the casino is no longer located within the reservation and, as a result, is not in accordance with the Indian Gaming Regulatory Act or the gaming compact between the Tribe and the state.

The state attorney general's office filed a request for an injunction against the operation last October. Both sides have been waiting for a decision since presenting their positions in federal court in Milwaukee last October 27, 28 and 30.

In her ruling, Gorence relied heavily on the language of an 1871 federal statute and federal government reports dating from 1872 to 1910. The judge issued the injunction because she found that the state presented evidence that showed that it has a reasonable likelihood of success in the

case.

"It is important to keep this ruling in perspective," Chicks said. "This decision is narrowly focused on an Indian Gaming Regulatory Act violation and does not extend beyond that fact at this point."

He added that the Tribe will now begin the process of evaluating the decision and will continue to prepare for the full trial as they have for the past year.

"We have been able to strengthen our original opinion that we are in a solid historical and legal position on the full merits of this matter," Chicks said. "The final decision on this issue is years away."

The Pine Hills gaming facility is closing to comply with the federal order.

The Pine Hills Golf Course and restaurant will remain open.

The decision does not affect the operation of Northstar Casino and Bingo. The casino will continue to operate within the parameters of the gaming compact with the state and the Indian Gaming Regulatory Act.